

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

EDWARD R. LEGETTE-BEY,	)	CASE NO.1:06CV1704
	)	
	)	
Petitioner,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Vs.	)	
	)	
UNITED STATES OF AMERICA	)	ORDER
	)	
Respondent	)	

**CHRISTOPHER A. BOYKO, J:**

This matter is before the Court on Petitioner's Motion for Discovery (ECF Dkt# 5) and Motion for Discovery (ECF Dkt# 7). For the following reasons, the Court grants, in part, and denies, in part, Petitioner's Motion.

Petitioner seeks discovery he needs to help prepare a brief he intends to submit with his §2255 petition. Furthermore, he alleges his appellate counsel never provided him the requested materials.

"Habeas petitioners have no right to automatic discovery. A district court has discretion to grant discovery in a habeas case upon a fact specific showing of good cause under Rule 6."

*Stanford v. Parker*, 266 F.3d 442, 460 (6<sup>th</sup> Cir. 2001). "The burden of demonstrating the

materiality of information requested is on the moving party." *Id.* However, pursuant to 28 U.S.C. §2250 and 28 U.S.C. §753(f), having determined Petitioner may proceed *in forma pauperis*, the Court Orders the clerk of courts to provide Petitioner copies of his criminal trial transcript, sentencing hearing transcript and docket sheet in criminal case No. 1:02CR367 and 1:03CR 136 (consolidated for trial purposes). The Court denies Petitioner's additional discovery requests as Petitioner has failed to demonstrate sufficient facts supporting a particularized need for those materials.

IT IS SO ORDERED.

Christopher A. Boyko

CHRISTOPHER A. BOYKO  
United States District Judge

**FILED**

DEC 15 2006

CLERK OF COURTS  
U.S. DISTRICT COURT, N.D.O.  
CLEVELAND